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CLERK, U.S. DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA

BY: DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Jose Arturo CASTILLO

Defendant.

Magistrate Case No. '08 MJ 1237

COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section 1324(a)(2)(B)(iii)- Bringing in Illegal Alien Without Presentation

The undersigned complainant being duly sworn states:

On or about **April 22, 2008**, at the San Ysidro Port of Entry, within the Southern District of California, defendant **Jose Arturo CASTILLO**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, **Alma Rocio ARELLANES-Esparza** had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs and ~~Border Protection~~ Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **23rd** DAY OF **APRIL, 2008**.

UNITED STATES MAGISTRATE JUDGE

JS

PROBABLE CAUSE STATEMENT

The complainant states that **Alma Rocio ARELLANES-Esparza** is a citizen of a country other than the United States; that said alien has admitted she is deportable; that her testimony is material; that it is impracticable to secure her attendance at trial by subpoena; and that she is a material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On April 22, 2008, at approximately 0411 hours, **Jose Adrian CASTILLO (Defendant)** made application for admission into the United States from Mexico at the San Ysidro, California Port of Entry via the vehicle primary lanes. Defendant was the driver and sole visible occupant of a blue Toyota Corolla. Upon inspection before a U.S. Customs and Border Protection (CBP) Officer, Defendant gave two negative customs declarations and declared United States citizenship. The CBP officer conducted an inspection of the vehicle and discovered an individual concealed under the rear seat. The vehicle and its occupants were escorted to secondary for further inspection.

In secondary, CBP Officers removed one female from a non-factory gas tank compartment located under the rear seat of the vehicle. Approximately three quarters of the gas tank had been cut out and lined with carpet, creating a concealment space between the rear seat cushion and the bottom of the gas tank. The remaining portion of the gas tank was modified to create an alternate fuel source having a capacity of about four gallons. The concealed female was determined to be a citizen of Mexico without legal documentation to enter the United States and is now identified as **Alma Rocio ARELLANES-Esparza (Material Witness).**

During a videotaped interview, Defendant was advised of his Miranda rights. Defendant acknowledged his rights and elected to answer questions without an attorney present. Defendant admitted knowledge of the concealed alien. Defendant admitted he was going to receive approximately $900.00 USD to smuggle the alien into the United States.

During a separate videotaped interview, Material Witness admitted she is a citizen of Mexico without legal rights or entitlements to enter the United States. Material Witness stated she was going to pay $4,500 USD to be smuggled into the United States. Material Witness stated she was going to Las Vegas, Nevada to seek employment.